IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1623 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DAMODAR ICE FACTORY

Versus

GEB

Appearance:

MR HASHIM QURESHI for Petitioner

MR BT RAO for Respondents.

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 05/03/2001

ORAL JUDGEMENT

#. Rule. Mr.B.T.Rao, learned counsel appears for the respondents on advance copy and waives service of rule.

#. Without prejudice to the rights and contentions of the parties, in view of the consensus arrived at, the

petitioner is directed to deposit 30% of the amount of the bill in question (i.e.30% of Rs.15,23,696.53 ps.) with the Board and prefer an appeal before the Appellate Committee. On the petitioner depositing Rs.1,00,000/and filing an undertaking before this Court as stated hereinafter the connection shall be restored by the respondent. The remaining amount out of 30%, after deducting the amount already paid, shall be paid by two equal monthly installments. The appeal shall be heard only after the entire 30% amount as aforesaid is paid. The petitioner shall file an undertaking to pay the amount as aforesaid within one week and before reconnection. The petitioner shall also undertake in the said undertaking not to transfer the assets of its firm till appeal is heard and decided.

#. The petition is disposed of in the above terms. Rule is made absolute to the aforesaid extent with no order as to costs.

(D. H. WAGHELA, J.)

kks